

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

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U.S. DISTRICT COURT
WEST DIST. OF WISCONSIN

MAR 10 2009

UNITED STATES OF AMERICA)
v.)
JASON M. PAPE,) Case No. 08-CR-0174
Defendants.)
)

PRELIMINARY ORDER OF FORFEITURE

Based upon the motion of the United States, the entire file in this case, and good cause appearing, the Court finds that:

1. On November 12, 2008, a federal grand jury sitting in Madison, Wisconsin, returned an indictment against defendant Jason M. Pape. Count 1 charged possession of three computer hard drives and a thumb drive, containing visual depictions that were produced using materials, specifically said hard drives and thumb drive, which had previously been shipped in interstate and foreign commerce, and the production of such visual depictions involved the use of minors engaging in sexually explicit conduct, and the depictions are of such conduct, in violation of Title 18, United States Code, Section 2252(a)(4)(B). Count 2 of the indictment contained a forfeiture allegation for the forfeiture of a Dell Computer, serial #00144-331-686-995, Western Digital 80 GB hard drive, model WD800JD-75MSA3, serial # WMAM9WK68584; a HP computer, model

Pavilion 746c, serial # MXM3280WPM, Seagate 80 GB hard drive, model ST380012A, serial # 5JV0MLAT; an Acer laptop computer, model ZL5, serial # LXA5505318528137E7EM00, Hitachi 60 GB hard drive model IC25N060ATMR04-0, serial # KJGMXHHPH; and a Verbatim 8 GB thumb drive, model Sto N Go, serial #077917A20E09, by virtue of the commission of the offense charged in Count 1, pursuant to Title 18, United States Code, Section 2253.

2. On March 6, 2009, the defendant entered a plea of guilty to Count 1 of the indictment pursuant to a written plea agreement. The plea agreement provided that the defendant agree to the forfeiture of a Dell Computer, serial #00144-331-686-995, Western Digital 80 GB hard drive, model WD800JD-75MSA3, serial # WMAM9WK68584; a HP computer, model Pavilion 746c, serial # MXM3280WPM, Seagate 80 GB hard drive, model ST380012A, serial # 5JV0MLAT; an Acer laptop computer, model ZL5, serial # LXA5505318528137E7EM00, Hitachi 60 GB hard drive model IC25N060ATMR04-0, serial # KJGMXHHPH; and a Verbatim 8 GB thumb drive, model Sto N Go, serial #077917A20E09, as set forth in Count 2 of the indictment.

IT IS THEREFORE ORDERED:

1. That based upon Jason M. Pape's guilty plea, and pursuant to Title 18, United States Code, Section 2253; Title 21, United States Code, Section 853; and Rule 32.2 of the Federal Rules of Criminal Procedure, the defendant forfeits to the United States his right, title, and interest in the following:

(a) Dell Computer, serial #00144-331-686-995, Western Digital 80 GB hard drive, model WD800JD-75MSA3, serial # WMAM9WK68584;

- (b) HP computer, model Pavilion 746c, serial # MXM3280WPM, Seagate 80 GB hard drive, model ST380012A, serial # 5JV0MLAT;
- (c) Acer laptop computer, model ZL5, serial # LXA5505318528137E7EM00, Hitachi 60 GB hard drive model IC25N060ATMR04-0, serial # KJGMXHPH; and
- (d) Verbatim 8 GB thumb drive, model Sto N Go, serial #077917A20E09.

2. The United States Marshals Service is directed to seize and take custody of the above-referenced property.

3. Pursuant to 21 U.S.C. § 853 (n), as incorporated by 18 U.S.C. § 2253(b), the United States shall publish notice of the order and of its intent to dispose of property in such a manner as the Attorney General may direct. Any other person, other than the defendant, having or claiming a legal interest in any of the forfeited property must file a petition with the Court within thirty days of final publication notice or receipt of actual notice, whichever is earlier.

a. The petition shall be for a hearing to adjudicate the validity of a petitioner's alleged interest in the forfeited asset, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited asset and any additional facts supporting the petitioner's claim and the relief sought.

b. The United States may also, to the extent practicable, provide direct written notice to any person who has an alleged interest in the forfeited asset, as a substitute for published notice.

4. Upon adjudication of any and all third party interests, this Court will enter

a Final Order of Forfeiture, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

ORDERED this 9th day of March 2008.

Barbara B. Crabb
BARBARA B. CRABB
Chief United States District Judge